

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER A. BARRETT,	:	No. 1:14-cv-1250
Plaintiff	:	
	:	
v.	:	(Judge Kane)
	:	
WARDEN ROBERT KARNES, et al.,	:	(Magistrate Judge Blewitt)
Defendants	:	

ORDER

Before the Court is Magistrate Judge Blewitt’s Report and Recommendation of July 18, 2014 (Doc. No. 7), recommending that the Court dismiss with prejudice Plaintiff Christopher A. Barrett’s claim for damages under Article I, Section 8 of the Pennsylvania Constitution, and dismiss without prejudice Defendants Warden Robert Karnes and Deputy Warden of Security Clements. On July 28, 2014, Plaintiff filed a motion for an extension of time in which to file an amended complaint. (Doc. No. 9.) Plaintiff did not file any documents labeled as “objections” to Magistrate Judge Blewitt’s Report and Recommendation. However, because Plaintiff filed his motion for an extension of time in response to the Report and Recommendation, but before the Court’s adoption of the same, the Court will construe Plaintiff’s motion as an objection as to the amount of time in which he may file an amended complaint. Plaintiff seeks to increase the time period in which he may file an amended complaint from fourteen to thirty days. (Doc. No. 9 at 1.)

Upon review of the Report and Recommendation, the Court finds no errors of law. Accordingly, the Court will adopt the Report and Recommendation in all respects except the amount of time in which Plaintiff may file an amended complaint. The Court will grant Plaintiff’s objection to the amount of time in which he may file his amended complaint. (Doc.

No. 9.)

AND NOW, on this 6th day of August 2014, **IT IS HEREBY ORDERED THAT** Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 7) is **ADOPTED IN PART** and **NOT ADOPTED IN PART** as follows:

1. Plaintiff's claim for damages under Article I, Section 8 of the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**;
2. Plaintiff's claims against Defendants Warden Robert Karnes and Deputy Warden of Security Clements are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's objection to the amount of time in which he may file an amended complaint (Doc. No. 9) is **GRANTED**;
4. Plaintiff **SHALL FILE** any amended complaint within thirty days of the date of this order; and
5. Future proceedings in this case shall be remanded to Magistrate Judge Blewitt.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania